

(6 September 2013 – to date)

NATIONAL WATER ACT 36 OF 1998

(Gazette No. 19182, Notice No. 1091. See Act for commencement dates)

REVISION OF GENERAL AUTHORISATIONS IN TERMS OF SECTION 39 OF THE NATIONAL WATER ACT, 1998 (ACT NO. 36 OF 1998) (THE ACT)

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I, Bomo Edna Molewa, in my capacity as the Minister of Water and Environmental Affairs in terms of section 39 of the National Water Act, 1998 (Act No. 36 of 1998) hereby revise the general authorisation in section 3 of the Schedule to Government Notice No. 398 of 26 March 2004, and the general authorisations in sections 2, 3 and 4 of the Schedule to Government Notice No. 399 of 26 March 2004, as contained in the Schedule hereto.

Signed

MRS B E E MOLEWA, MP
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

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Prepared by:

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SCHEDULE

**1. ENGAGING IN A CONTROLLED ACTIVITY, IDENTIFIED AS SUCH IN SECTION 37(1)(a):
IRRIGATION OF ANY LAND WITH WASTE OR WATER CONTAINING WASTE GENERATED
THROUGH ANY INDUSTRIAL ACTIVITY OR BY A WATERWORK**

[Section 21(e)]

1.1. Purpose of authorisation

This general authorisation replaces the need for a water user to apply for a licence in terms of the Act, provided that the water use is within the limits and conditions as set out in this general authorisation.

1.2 Exclusion

This authorisation does not apply to a person who is not the lawful occupier of the land on which the wastewater irrigation takes place.

1.3. Compliance with Act and other laws

(1) This authorisation does not -

- (a) replace any existing authorisation that is recognised under the Act; and
- (b) exempt a person who uses water from compliance with any other provision of the Act, unless stated otherwise in this notice, or any other applicable law, regulation, ordinance or by-law.

(2) A person who uses water in terms of this authorisation is exempted from compliance with section 22(2)(e) of the Act.

1.4 Area of applicability

This authorisation is applicable throughout the Republic of South Africa.

1.5 Duration of authorisation

This authorisation will be applicable for a period of five years from the date of publication of this notice, unless -

- (a) it is amended by the responsible authority at any review period;
- (b) the period is extended by a notice in the *Gazette*;

- (c) it is replaced with a general authorisation in relation to a specific water resource or within a specific area; or
- (d) the water user is instructed in writing by the responsible authority to apply for a licence in terms of the Act.

1.6 Definitions

In this general authorisation, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in terms of the Act shall have that meaning, and -

"biodegradable industrial wastewater" means wastewater that contains predominantly organic waste arising from industrial activities and premises including -

- (a) milk processing;
- (b) manufacture of fruit and vegetable products;
- (c) sugar mills;
- (d) manufacture and bottling of soft drinks;
- (e) production of alcohol and alcoholic beverages in breweries, wineries or malt houses;
- (f) manufacture of animal feed from plant or animal products;
- (g) manufacture of gelatine and glue from hides, skin and bones;
- (h) abattoirs;
- (i) fish processing; and
- (j) confined animal feeding operations.

"commercial activity" means those activities identified in the Standard Industrial Classification of All Economic Activities (5th Edition), published by the Central Statistics Service, 1993, as amended and supplemented, under the following categories -

- (a) 6: wholesale and retail trade;
- (b) 7: transport, storage and communication;

- (c) 8: business services;
- (d) 9: community, social and personal services and
- (e) 0: personal and other services;

"domestic wastewater" means wastewater arising from domestic and commercial activities and premises, and may contain sewage;

"irrigation" means the application of wastewater to any land or property for the purpose of crop production, and includes the cultivation of pasture or any other suitable purpose;

"monitoring programme" means a programme for taking regular measurements of the quantity and quality of a water resource, waste or wastewater discharge at specified intervals and at specific locations to determine the chemical, physical and biological nature of the water resource, waste or wastewater discharge;

"organic waste" means waste of non-anthropogenic origin that is readily biodegradable in the environment and does not contain any toxic substances that may accumulate in the environment;

"primary treatment" means treatment of wastewater by a physical process, which may involve maceration, sedimentation, screening and grit removal;

"secondary treatment" means treatment of wastewater by a biological process, which amongst others may involve solar and other energy, bacteria, algae and a variety of aquatic biota, to remove organic matter;

"wastewater" means water containing waste, or water that has been in contact with waste material.

1.7 Irrigation with wastewater

- (1) A person who -
 - (a) owns or lawfully occupies property registered in the Deeds Office as at the date of this notice;
 - (b) lawfully occupies or uses land that is not registered or surveyed; or
 - (c) lawfully has access to land on which the use of water takes place,may on that property or land -

- (i) irrigate up to 2000 cubic metres of domestic and biodegradable industrial waste water on any given day as set out in Table 1.1:

Table 1.1: Wastewater limit values applicable to the irrigation of any land or property up to 2000 cubic metres

Variables	Limits
pH	not less than 5,5 or more than 9,5 pH units
Electrical Conductivity	does not exceed 70 milliSiemens above intake to a maximum of 150 milliSiemens per metre (mS/m)
Suspended Solids	does not exceed 25 mg/l
Chloride as Free Chlorine	does not exceed 0,25 mg/l
Fluoride	does not exceed 1 mg/l
Soap, Oil and Grease	does not exceed 2,5 mg/l
Chemical Oxygen Demand	does not exceed 75 mg/l
Faecal coliforms	do not exceed 1000 per 100 ml
Ammonia (ionised and un-ionised) as Nitrogen	does not exceed 3mg/l
Nitrate/Nitrite as Nitrogen	does not exceed 15 mg/l
Ortho-Phosphate as phosphorous	does not exceed 10 mg/l

- (ii) irrigate up to 500 cubic metres of domestic or biodegradable industrial wastewater on any given day, as set out in Table 1.2:

Table 1.2: Wastewater limit values applicable to the irrigation of any land or property up to 500 cubic metres

Variables	Limits

pH	not less than 6 or more than 9 pH units
Electrical conductivity	not exceed 200 milliSiemens per metre (mS/m);
Chemical Oxygen Demand (COD)	does not exceed 400 mg/l after removal of algae;
Faecal coliforms	do not exceed 100 000 per 100 ml
Sodium Adsorption Ratio (SAR)	does not exceed 5 for biodegradable industrial wastewater

- (iii) irrigate up to 50 cubic metres of domestic or biodegradable industrial wastewater on any given day, as set out in Table 1.3: -

Table 1.3: Wastewater limit values applicable to the irrigation of any land or property up to 50 cubic metres

Variables	Limits
pH	not less than 6 or more than 9 pH units
Electrical conductivity	not exceed 200 milliSiemens per metre (mS/m);
Chemical Oxygen Demand (COD)	does not exceed 5000 mg/l after removal of algae;
Faecal coliforms	do not exceed 100 000 per 100 ml
Sodium Adsorption Ratio (SAR)	does not exceed 5 for biodegradable industrial wastewater

- (iv) irrigate provided that the irrigated wastewater does not impact on the water resource or any other person's water use, property or land; and
- (v) irrigate provided that the irrigated wastewater is not detrimental to the health and safety of the public in the vicinity of the activity.

1.8 Registration of irrigation with wastewater

- (1) A person who irrigates with wastewater in terms of this authorisation must submit to the responsible authority a completed registration form or any other information requested in writing by the responsible authority for the registration of the water use before commencement of irrigation.
- (2) On written receipt of a registration certificate from the responsible authority, the person will be regarded as a registered water user.
- (3) All forms for registration of water use are obtainable from any office of the responsible authority, as well as from the web-site at <http://www.dwa.gov.za>.

1.9 Location of irrigation with wastewater

Wastewater irrigation in terms of this authorisation is only permitted if the irrigation takes place -

- (a) at least 50m above the 1 in 100 year flood line or riparian habitat whichever is the greatest, or alternatively at least 100 metres from a water course whichever is the greatest, or at least further than 500m radius from a borehole that is utilised for drinking water or stock watering;
- (b) on land that is not, or does not, overlie a major aquifer (identification of a major aquifer will be provided by the Department, upon written request); and
- (c) at least outside 500m radius from the boundary of a wetland.

1.10 Precautionary practices

- (1) The water user must follow acceptable construction, maintenance and operational practices to ensure the consistent, effective and safe performance of the wastewater irrigation system, including the prevention of -
 - (a) waterlogging of the soil and pooling of wastewater on the surface of the soil;
 - (b) nuisance conditions such as flies or mosquitoes, odour or secondary pollution;
 - (c) waste, wastewater or contaminated stormwater entering into a water resource;
 - (d) the contamination of run-off water or stormwater;
 - (e) the unreasonable chemical or physical deterioration of, or any other damage to, the soil of the irrigation site;
 - (f) the unauthorised use of the wastewater by members of the public; and

- (g) people being exposed to the mist originating from the irrigation of the wastewater.
- (2) Suspended solids must be removed from any wastewater, and the resulting sludge disposed of according to the requirements of any relevant law or regulation, including the document Guidelines for the Utilisation and Disposal of Wastewater Sludge, Volumes 1-5, Water Research Commission Reports TT 261/06, 262/06, 349/09, 350/09, 351/09, as amended from time to time (obtainable from the responsible authority upon written request).
- (3) All reasonable measures must be taken to provide for mechanical, electrical, operational, or process failures and malfunctions of the wastewater irrigation system.
- (4) All reasonable measures must be taken for storage of the wastewater used for irrigation when irrigation cannot be undertaken, of which the storage must be in accordance with general authorisation in section 3 of this Notice.
- (5) All reasonable measures must be taken to collect contaminated stormwater or runoff emanating from the area under irrigation and to retain it for disposal of which the disposal must be in accordance with general authorisation in section 3 of this Notice.
- (6) Upon the written request of the responsible authority the registered user must ensure the implementation of any additional construction, maintenance and operational practices that may be required in the opinion of the responsible authority to ensure the consistent, effective, safe and sustainable performance of the wastewater irrigation system.

1.11 Record-keeping and disclosure of information

- (1) The water user must ensure the establishment of monitoring programmes to monitor the quantity and quality of the wastewater to be used for irrigation prior to commencement and thereafter, in the following manner:
 - (a) The quantity must be metered and the total recorded weekly; and
 - (b) the quality of water irrigated must be monitored once every month by taking a grab sample at the point at which the wastewater enters the irrigation system for all parameters listed in paragraph 1.7(1)(i), (ii) and (iii) and results submitted to the responsible authority.
- (2) Upon the written request from the responsible authority the water user must -
 - (a) ensure the establishment of any additional monitoring programmes; and
 - (b) appoint a competent person to assess the water use measurements made in terms of this authorisation and submit the findings to the responsible authority for evaluation.

- (3) The water user must keep a written record, for at least five years, of the following information:
- (a) Both the location of the irrigation area and the extent of the area or areas under irrigation, which must be demarcated on a suitable scale map;
 - (b) details of the crops and the size of the area under irrigation;
 - (c) details of the type of irrigation being practiced;
 - (d) details of the monitoring programme, including -
 - (a) Both the location of the irrigation area and the extent of the area or areas under irrigation, which must be demarcated on a suitable scale map;
 - (b) details of the crops and the size of the area under irrigation;
 - (c) details of the type of irrigation being practiced;
 - (d) details of the monitoring programme, including -
 - (i) the quantity of wastewater irrigated;
 - (ii) the results of the analysis of the quality of wastewater irrigated as obtained from the laboratory for the samples taken in accordance with paragraph 1.12;
 - (e) details of the irrigation management techniques being practised;
 - (f) details of precautionary practices and pollution prevention measures implemented; and
 - (g) details of failure and malfunctions in the irrigation system, and details of the effects of (if any), as well as details of, measures taken to prevent such failures and malfunctions in the future. The above mentioned information must be made available upon written request to the responsible authority and interested and affected parties regarding the wastewater irrigation and related activities.

1.12 Methods for sampling and analysis

The following methods for sampling and analysis must be adhered to:

- (a) Samples of the water containing waste must be taken in accordance with the applicable South African National Standard (SANS) for sampling.

- (b) The methods for the measurement of specific substances and parameters in any waste or wastewater must be carried out by a -
- (i) laboratory that has been accredited in accordance with SANS 17025:2005 by the South African National Accreditation System (SANAS) to conduct the analysis in accordance with the prescribed SANS method for each applicable variables; or
 - (ii) laboratory that participates in a recognised Proficiency Testing Scheme (Z-scores results should be presented);
 - (iii) laboratory that has proof of intra- and inter-laboratory proficiency (quality assurance as prescribed in Standard Methods).
- (c) Water users who can be able to demonstrate to the responsible authority that there is no accredited laboratory within their vicinity may use methods 1.12(b)(ii) and (iii) above.

1.13 Inspections

Any property or land in respect of which a water use has been authorised in terms of this general authorisation, such property or land must be made available for inspection by an authorised person in terms of section 125 of the Act.

1.14 Incidence reporting

Any information on the occurrence of any incident that has or is likely to have a detrimental impact on the water resource quality must be reported to the responsible authority within 24 hours.

1.15 Offences

A person who contravenes any provision of this general authorisation is guilty of an offence and is subject to the penalty set out in section 151(2) of the Act.

2. DISCHARGE OF WASTE OR WATER CONTAINING WASTE INTO A WATER RESOURCE THROUGH A PIPE, CANAL, SEWER OR OTHER CONDUIT; AND DISPOSING IN ANY MANNER OF WATER WHICH CONTAINS WASTE FROM, OR WHICH HAS BEEN HEATED IN, ANY INDUSTRIAL OR POWER GENERATION PROCESS

[Sections 21(f) and (h)]

2.1 Purpose of authorisation

This general authorisation replaces the need for a water user to apply for a licence in terms of the Act, provided that the water use is within the limits and conditions as set out in this general authorisation.

2.2 Exclusion

This authorisation does not apply to a person who discharges wastewater -

- (a) through sea outfalls;
- (b) to an aquifer;
- (c) any other groundwater resource;
- (d) any water resource with a closed drainage system; or
- (e) directly into an off channel dam.

2.3 Compliance with Act and other laws

- (1) This authorisation does not -
 - (a) replace any existing authorisation that is recognised under the Act;
 - (b) exempt a person who uses water from compliance with any other provision of the Act, unless stated otherwise in this notice, or any other applicable law, regulation, ordinance or by-law;
 - (c) apply to any water use under Schedule 1 of the Act; and
 - (d) apply to Category A mine.
- (2) A person who uses water in terms of this authorisation is exempted from compliance with section 22(2)(e) of the Act.

2.4 Area of applicability

This authorisation is applicable throughout the Republic of South Africa, except as excluded in paragraph 2.2.

2.5 Duration of authorisation

This authorisation will be applicable for a period of five years from the date of publication of this notice, unless -

- (a) it is amended by the responsible authority at any review period;
- (b) the period is extended by a notice in the *Gazette*;
- (c) it is replaced with a general authorisation in relation to a specific water resource or within a specific area; or
- (d) the water user is instructed in writing by the responsible authority to apply for a licence in terms of the Act

2.6 Definitions

In this general authorisation, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in terms of the Act shall have that meaning, and -

"category A mine" means -

- (a) any gold or coal mine
- (b) any mine with an extractive metallurgical process, including heap leaching; or
- (c) any mine where sulphate producing or acid generating material occurs;

"commercial activity" means those activities identified in the Standard Industrial Classification of All Economic Activities (5th Edition), published by the Central Statistics Service, 1993, as amended and supplemented, under the following categories -

- (a) 6: wholesale and retail trade;
- (b) 7: transport, storage and communication;
- (c) 8: business services;
- (d) 9: community, social and personal services and
- (e) 0: personal and other services;

"complex industrial wastewater" means wastewater arising from industrial activities and premises, that contains -

- (a) a complex mixture of substances that are difficult or impractical to chemically characterise and quantify; or
- (b) one or more substances, for which a wastewater limit value has not been specified, and which may be harmful or potentially harmful to human health, or to the water resource (identification of complex industrial wastewater will be provided by the Department upon written request);

"domestic wastewater" means wastewater arising from domestic and commercial activities and premises, and may contain sewage;

"domestic wastewater discharge" means a wastewater discharge consisting of 90% or more domestic wastewater, by volume, that is collected, treated and subsequently disposed of;

"industrial activity" means those activities identified in the Standard Industrial Classification of All Economic Activities (5th Edition), published by the Central Statistics Service, 1993, as amended and supplemented, under the following categories -

- (a) 2: mining and quarrying,
- (b) 3: manufacturing,
- (c) 4: electricity, gas and water supply,
- (d) 5: construction;

"industrial wastewater discharge" means a wastewater discharge consisting of more than 10% industrial wastewater, by volume, that is collected, treated and subsequently disposed of;

"intake" for the purposes of this general authorisation is water taken from a water resource, and excludes water taken from any source that is not a water resource;

"listed water resources" are those water resources listed in Table 2.3 and includes any tributary of a listed water resource, and any water resource draining the catchment area of a listed water resource;

"monitoring programme" means a programme for taking regular measurements of the quantity and quality of a water resource, waste or wastewater discharge at specified intervals and at specific locations to determine the chemical, physical and biological nature of the water resource, waste or wastewater discharge;

"wastewater" means water containing waste, or water that has been in contact with waste material;

"**wastewater limit value**" means the mass expressed in terms of the concentration and level of a substance which may not be exceeded at any time. Wastewater limit values shall apply at the last point where the discharge of wastewater enters into a water resource, dilution being disregarded when determining compliance with the wastewater limit values. Where discharge of wastewater does not directly enter a water resource, the wastewater limit values shall apply at the last point where the wastewater leaves the premises of collection and treatment.

2.7 Discharging of domestic and industrial wastewater into water resources

A person who -

- (a) owns or lawfully occupies property registered in the Deeds Office as at the date of this notice;
- (b) lawfully occupies or uses land that is not registered or surveyed; or
- (c) lawfully has access to land on which the use of water takes place,

may on that property or land outside the areas excluded in paragraph 2.2 above,

- (i) discharge up to 2 000 cubic metres of wastewater on any given day into a water resource that is not a listed water resource set out in Table 2.3, which may be amended from time to time, provided the discharge -
 - (a) complies with the general wastewater limit values set out in Table 2.1, which may be amended from time to time;
 - (b) does not alter the natural ambient water temperature of the receiving water resource by more than 3 degrees Celsius; and
 - (c) is not a complex industrial wastewater.
- (ii) discharge up to 2 000 cubic metres of wastewater on any given day into a listed water resource set out in Table 2.3, which may be amended from time to time, provided the discharge -
 - (a) complies with the special wastewater limit values set out in Table 2.1, which may be amended from time to time;
 - (b) does not alter the natural ambient water temperature of the receiving water resource by more than 2 degrees Celsius; and
 - (c) is not a complex industrial wastewater,

and if the discharging of wastewater -

- (aa) does not impact on a water resource or any other person's water use, property or land; and
 - (ab) is not detrimental to the health and safety of the public in the vicinity of the activity.
- (iii) not discharge storm water runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises, into a water resource.

TABLE 2.1: Wastewater limit values applicable to discharge of wastewater into a water resource

SUBSTANCE/PARAMETER	GENERAL LIMIT	SPECIAL LIMIT
Faecal Coliforms (per 100 ml)	1000	0
Chemical Oxygen Demand (mg/l)	75 (i)	30(i)
pH	5,5-9,5	5,5-7,5
Ammonia (ionised and un-ionised) as Nitrogen (mg/l)	6	2
Nitrate/Nitrite as Nitrogen (mg/l)	15	1,5
Chlorine as Free Chlorine (mg/l)	0,25	0
Suspended Solids (mg/l)	25	10
Electrical Conductivity (mS/m)	70 mS/m above intake to a maximum of 150 mS/m	50 mS/m above background receiving water, to a maximum of 100 mS/m
Ortho-Phosphate as phosphorous (mg/l)	10	1 (median) and 2,5 (maximum)
Fluoride (mg/l)	1	1
Soap, oil or grease (mg/l)	2,5	0
Dissolved Arsenic (mg/l)	0,02	0,01
Dissolved Cadmium (mg/l)	0,005	0,001

Prepared by:

In partnership with:

Dissolved Chromium (VI) (mg/l)	0,05	0,02
Dissolved Copper (mg/l)	0,01	0,002
Dissolved Cyanide (mg/l)	0,02	0,01
Dissolved Iron (mg/l)	0,3	0,3
Dissolved Lead (mg/l)	0,01	0,006
Dissolved Manganese (mg/l)	0,1	0,1
Mercury and its compounds (mg/l)	0,005	0,001
Dissolved Selenium (mg/l)	0,02	0,02
Dissolved Zinc (mg/l)	0,1	0,04
Boron (mg/l)	1	0,5

(Table 2.1: Above wastewater limits will be subject to review from time to time based on the outcome of the classification and resource quality objectives processes)

2.8 Precautionary practices

- (1) The water user must follow acceptable design, construction, maintenance and operational practices to ensure the consistent, effective and safe performance of the wastewater discharge system, including the prevention of -
 - (a) nuisance conditions such as flies or mosquitoes, odour or secondary pollution;
 - (b) the contamination of run-off water or stormwater;
 - (c) contaminated stormwater entering into a water resource; and
 - (d) the unauthorised use of the wastewater by members of the public.

- (2) Suspended solids must be removed from any wastewater, and the resulting sludge disposed of according to the requirements of any relevant law or regulation, including the document entitled "Guidelines for the Utilisation and Disposal of Wastewater Sludge, Volumes 1-5, Water Research Commission Reports No TT 261/06, 262/06, 349/09, 350/09, 351/09, as amended from time to time (obtainable from the Department upon written request).

- (3) All reasonable measures must be taken to provide for mechanical, electrical, operational, or process failures and malfunctions of the wastewater discharge system.
- (4) All reasonable measures must be taken for storage of the wastewater when discharge cannot be undertaken, which storage must be in accordance with general authorisation in section 3 of this Notice.
- (5) All reasonable measures must be taken to collect contaminated stormwater runoff and to retain it for disposal which disposal must be in accordance with general authorization in section 3 of this Notice.
- (6) Upon the written request of the responsible authority the registered user must ensure the implementation of any additional construction, maintenance and operational practices that may be required in the opinion of the responsible authority to ensure the consistent, effective, safe and sustainable performance of the wastewater discharge system.

2.9 Registration of discharges into water resources

- (1) A person who discharges wastewater into a water resource in terms of this authorisation must submit a registration form or any other information requested in writing by the responsible authority for registration of the water use before commencement of the discharge.
- (2) On written receipt of and/or a registration certificate from the responsible authority, the person will be regarded as a registered water user.
- (3) All forms for registration of water use are obtainable from any office of the responsible authority, as well as from the web-site at <http://www.dwa.gov.za>.

2.10 Record-keeping and disclosure of information

- (1) The water user must ensure the establishment of monitoring programmes to monitor the quantity and quality of the discharge prior to the commencement of the discharge, in the following manner:
 - (a) The quantity of the discharge must be metered and the total recorded weekly;
 - (b) the quality of domestic wastewater discharges must be monitored once every month by taking a grab sampling and analysed for specific substances and parameters as required by the responsible authority as set out in Table 2.2, which may be amended from time to time; and results submitted to the responsible authority

TABLE 2.2: Monitoring requirements for domestic wastewater discharges

DISCHARGE VOLUME ON ANY GIVEN DAY	MINIMUM MONITORING REQUIREMENTS
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10 to 100 cubic metres	pH Electrical Conductivity (mS/m) Faecal Coliforms (per 100 ml)
100 to 1 000 cubic metres	pH Electrical Conductivity (mS/m) Faecal Coliforms (per 100 ml) Chemical Oxygen demand (mg/l) Ammonia as Nitrogen (mg/l) Suspended Solids (mg/l) Phosphate (mg/l)
1 000 to 2 000 cubic metres	pH Electrical Conductivity (mS/m) Faecal Coliforms (per 100 ml) Chemical Oxygen demand (mg/l) Ammonia as Nitrogen (mg/l) Nitrate/Nitrite as Nitrogen (mg/l) Free Chlorine (mg/l) Suspended Solids (mg/l) Ortho-Phosphate as Phosphorous (mg/l)

- (c) The quality of industrial wastewater discharges must be monitored once every month by grab sampling -
- (i) for all substances which have been added to the water through any industrial activity;
 - (ii) for all substances which have been concentrated in the water through any industrial activity;
 - (iii) for all substances which may be harmful or potentially harmful to human health or to the water resource quality; and
 - (iv) as set out in paragraph 2.10(1)(b), if the wastewater contains any domestic wastewater.
- (d) monitoring for the quantity and quality of the discharge shall be done at the point of discharge into a water resource and results submitted to the responsible authority

- (2) Upon the written request from the responsible authority the registered user must -

- (a) ensure the establishment of any additional monitoring programmes; and
 - (b) appoint a competent person to assess the water use measurements made in terms of this authorisation and submit the findings to the responsible authority for evaluation.
- (3) Subject to paragraph 2.10(1), the water user must, on a monthly basis, submit the following information to the responsible authority -
- (a) the quantity of wastewater discharged;
 - (b) the quality of wastewater discharged;
 - (c) details of the monitoring programmes;
 - (d) details of failures and malfunctions in the discharge system and details of measures taken. Such information must be made available upon written request to the responsible authority.

2.11 Methods for sampling and analysis

The following methods for sampling and analysis must be adhered to:

- (a) Samples of the water containing waste must be taken as prescribed in the Notice, and in accordance with the applicable South African National Standard (SANS) for sampling.
- (b) The methods for the measurement of specific substances and parameters in any waste or wastewater must be carried out by a -
 - (i) laboratory that has been accredited in accordance with SANS 17025:2005 by the South African National Accreditation System (SANAS) to conduct the analysis in accordance with the prescribed SANS method for each applicable variables; or
 - (ii) laboratory that participates in a recognised Proficiency Testing Scheme (Z-scores results should be presented);
 - (iii) laboratory that has proof of intra- and inter-laboratory proficiency (quality assurance as prescribed in Standard Methods).
- (c) Water users who can be able to demonstrate to the responsible authority that there is no accredited laboratory within their vicinity may use methods 1.12(b)(ii) and (iii) above.

2.12 Inspections

Prepared by:

In partnership with:

Any property or land in respect of which a water use has been authorised in terms of this general authorisation, such property or land must be made available for inspection by an authorised person in terms of section 125 of the Act.

2.13 Incidence reporting

Any information on the occurrence of any incident that has or is likely to have a detrimental impact on the water resource quality must be reported to the responsible authority within 24 hours.

2.14 Offences

A person who contravenes any provision of this general authorisation is guilty of an offence and is subject to the penalty set out in section 151(2) of the Act.

TABLE 2.3: Listed Water Resources (This table will be subject to review from time to time based on the outcome of the classification and resource quality objectives processes)

	WATER RESOURCE
1	Hout Bay River to tidal water in the Western Cape
2	Palmiet River from Kogelberg Dam to its estuary in the Western Cape
3	Lourens River to tidal water in the Western Cape
4	Steenbras River to tidal water in the Western Cape
5	Berg and Dwars Rivers to their confluence in the Western Cape
6	Little Berg River to Vogelvlei weir in the Western Cape
7	Sonderend, Du Toits and Elandskloof Rivers upstream and inclusive of Thee waterskloof Dam in the Western Cape
8	Witte River to confluence with Breede River in the Western Cape
9	Dwars River after confluence with Titus River to the boundary with Witte River in the Western Cape
10	Olifants River to the boundary of the Bree River District Council (Ceres divisional boundary) – Witsenberg Transitional Representative Council Ceres divisional boundary
11	Holsloot and Smalblaar (or Molenaars) Rivers to their confluence with Breede River in the Western

	Cape
12	Hex River to its confluence with Breede River in the Western Cape
13	Van Stadens River to tidal water in the Eastern Cape
14	Buffalo River to the boundary from its source to where it enters the King Williams Town limits
15	Klipplaat River from its source to Waterdown Dam
16	Swart Kei River to its confluence with the Klipplaat River in the Eastern Cape
17	Great Brak River
18	Bongola River to Bongola Dam in the Eastern Cape
19	Kubusi River to the boundary of the Stutterheim urban area in the Eastern Cape
20	Langkloof River from its source to Barkly East limits
21	Kraai River to its confluence with the Langkloof River
22	Little Tsomo River in the Eastern Cape
23	Xuka River to Elliot limits in the Eastern Cape
24	Umtata River to the Kambi Falls in the Eastern Cape
25	Tsitsa and Inxu Rivers to their confluence in the Eastern Cape
26	Kenegha River to its confluence with the Umzimvubu River in the Eastern Cape
27	Mvenyane and Mzimvubu Rivers from sources to their confluence in the Eastern Cape
28	Umzimhlavana River to its confluence with the Umzimhlava River in the Eastern Cape
29	Ingwangwana River to its confluence with Umzimkulu River in KwaZulu-Natal
30	Umzimkulu and Polela Rivers to their confluence in KwaZulu-Natal
31	Elands River to the Pietermaritzburg-Bulwer main road in KwaZulu-Natal
32	Umtamvuma and Weza Rivers to their confluence in KwaZulu-Natal
33	Umkomaas and Isinga Rivers to their confluence in KwaZulu-Natal
34	Lurane River to its confluence with the Umkomaas River in KwaZulu-Natal
35	Situndjwana Spruit to its confluence with the Umkomaas River in KwaZulu-Natal

36	Inudwini River to the Polela district boundary in KwaZulu-Natal
37	Inkonza River to the bridge on the Donnybrook-Creighton road in KwaZulu-Natal
38	Umlaas to the bridge on District Road 334 on the farm Maybole in KwaZulu-Natal
39	Umgeni and Lions Rivers to their confluence in KwaZulu-Natal
40	Mooi River to the road bridge at Rosetta in KwaZulu-Natal
41	Little Mooi and Hlatikula Rivers to their confluence in KwaZulu-Natal
42	Bushmans River to the Wagendrift Dam in KwaZulu-Natal
43	Little Tugela River and Sterkspruit to their confluence in KwaZulu-Natal
44	M'Lambonjwa and Mhlawazeni Rivers to their confluence in KwaZulu-Natal
45	Mnweni and Sandhlwana Rivers to their confluence in KwaZulu-Natal
46	Tugela River to its confluence with the Kombe Spruit in KwaZulu-Natal
47	Inyamvubu (or Mnyamvubu) River to the Craigie Bum Dam in KwaZulu-Natal
48	Umvoti River to the bridge on the Seven Oaks -Rietvlei road in KwaZulu-Natal
49	Yarrow River to its confluence with the Karkloof River in KwaZulu-Natal
50	Incandu and Ncibidwane Rivers to their confluence in KwaZulu-Natal
51	Ingogo River to its confluence with the Harte River in KwaZulu-Natal
52	Pivaan River to its confluence with Soetmelkspruit in KwaZulu-Natal
53	Slang River and the Wakkerstroom to their confluence in Mpumalanga
54	Elands and Swartkoppie Spruit to their confluence in Mpumalanga
55	All tributaries of the Komati River between Nooitgedacht Dam and its confluence with and including Zevenfontein Spruit in Mpumalanga
56	Seekoeispruit to its confluence with Buffelspruit in Mpumalanga
57	Crocodile River and Buffelskloofspruit to their confluence in Mpumalanga
58	All tributaries of the Steelpoort River down to its confluence with and including the Dwars River

59	Potspruit to its confluence with the Waterval River in Mpumalanga
60	Dorps River (or Spekboom River) to its confluence with the Marambanspruit in Mpumalanga
61	Ohrigstad River to the Ohrigstad Dam in Mpumalanga
62	Klein-Spekboom River to its confluence with the Spekboom River in Mpumalanga
63	Blyde River to the Pilgrim's Rest municipal boundary in Mpumalanga
64	Sabie River to the Sabie municipal boundary in Mpumalanga
65	Nels River to the Pilgrim's Rest district boundary in Mpumalanga
70	Houtbosloop River to the Lydenburg district boundary in Mpumalanga
71	Blinkwaterspruit to the Longmere Dam in Mpumalanga
72	Assegaii River upstream and inclusive of the Heyshope Dam
73	Komati River upstream and inclusive of the Nooitgedacht Dam and the Vygeboom Dam
74	Ngwempisi River upstream and inclusive of Jericho Dam and Morgenstond Dam
75	Slang River upstream and inclusive of Zaaihoek Dam
76	All streams flowing into the Olifants River upstream and inclusive of Loskop Dam, Witbank Dam and Middelburg Dam
77	All streams flowing into Ebenezer Dam on the Great Letaba River in Limpopo
78	Dokolewa River to its confluence with the Politzi River in Limpopo
79	Ramadiepa River to the Merensky Dam on the farm Wesffalia 223, Letaba in Limpopo
LISTED WATER RESOURCES WHERE SPECIAL LIMIT FOR ORTHO-PHOSPHATE AS PHOSPHOROUS IS APPLICABLE (Crocodile (west) Marico Water Management Area)	
80	Pienaars River and tributaries as far as Klipvoor Dam
81	Crocodile River and tributaries as far as Roodekopjies Dam
82	Elands and Hex River and tributaries as far as Vaalkop Dam
83	Molopo River and tributaries as far as Madimola Dam

84	Kaalspruit , Hennops rivers and tributaries as far as Rietvlei Dam
85	Pienaars, Moreleta, Hartebesspruit rivers and tributaries as far as Roodeplaat Dam
86	Moretele, Apies, Pienaars rivers and tributaries as far as Klipvoor Dam
87	Magalies, Crocodile, Jukskei, Hennops rivers and tributaries as far as Hartebespoort Dam
88	Hex river and tributaries as far as Bospoort Dam

	RAMSAR LISTED WETLANDS	PROVINCE	PROVINCE
89	Barberspan	North -West	26°33 S 25°37 E
90	Blesbokspruit	Gauteng	26°17 S 28°30 E
91	De Hoop Vlei	Western Cape	34°27 S 20°20 E
92	De Mond (Heuningnes Estuary)	Western Cape	34°43 S 20°07 E
93	Kosi Bay	Kwazulu-Natal	27°01' S 32°48' E
94	Lake Sibaya	Kwazulu-Natal	27°20 S 32°38 E
95	Langebaan	Western Cape	33°06 S 18°01 E
96	Orange River Mouth	Northern	Cape 28°40 S 16°30 E
97	St Lucia System	Kwazulu-Natal	28°00 S 32°28 E
98	Seekoeivlei Nature Reserve	Free State	27°34' S 29°35' E
99	Verlorenvlei	Western Cape	32°24 S 18°26 E
100	Verloren Valei	Mpumalanga	25°14'S 30°4' E
101	Nylsvlei	Northern	24°39 S 28°42 E
102	Wilderness Lakes	Western Cape	33°59 S 22°39 E

3. DISPOSING OF WASTE IN A MANNER WHICH MAY DETRIMENTALLY IMPACT ON A WATER RESOURCE

[Section 21(g)]

Prepared by:

In partnership with:

3.1 Purpose of authorisation

This general authorisation replaces the need for a water user to apply for a licence in terms of the Act, provided that the water use is within the limits and conditions as set out in this general authorisation.

3.2 Exclusion

This authorisation does not apply to a person who is not the lawful occupier of the land or who does not have lawful access to the land on which the disposal takes place.

3.3 Compliance with Act and other laws

- (1) This authorisation does not
 - (a) replace any existing authorisation that is recognised under the Act;
 - (b) exempt a person who uses water from compliance with any other provision of the Act unless stated otherwise in this notice, or any other applicable law, regulation, ordinance or by-law;
 - (c) apply to any water use under Schedule 1 of the Act.
- (2) A person who uses water in terms of this authorisation is exempted from compliance with section 22(2)(e) of the Act.

3.4 Area of applicability

This authorisation is applicable throughout the Republic of South Africa, except for those subterranean government water control areas set out in Table 3.1, which may be amended from time to time.

3.5 Duration of authorisation

This authorisation will be applicable for five years from the date of publication of this notice, unless

- (a) it is amended by the responsible authority at any review period; or
- (b) the period is extended by a notice in the *Gazette*;
- (c) it is replaced with a general authorisation in relation to a specific water resource or within a specific area; or

- (d) the water user is instructed in writing by the responsible authority to apply for a licence in terms of the Act.

3.6 Definitions

In this general authorisation, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in terms of the Act shall have that meaning, and -

"biodegradable industrial wastewater" means wastewater that contains predominantly organic waste arising from industrial activities and premises including -

- (a) milk processing;
- (b) manufacture of fruit and vegetable products;
- (c) sugar mills;
- (d) manufacture and bottling of soft drinks;
- (e) production of alcohol and alcoholic beverages in breweries, wineries or malt houses;
- (f) manufacture of animal feed from plant or animal products;
- (g) manufacture of gelatine and glue from hides, skin and bones;
- (h) abattoirs;
- (i) fish processing; and
- (j) confined animal feeding operations;

"category A mine" means -

- (a) any gold or coal mine
 - (b) any mine with an extractive metallurgical process, including heap leaching;
- or
- (c) any mine where sulphate producing or acid generating material occurs;

"complex industrial wastewater" means wastewater arising from industrial activities and premises, that contains -

- (a) a complex mixture of substances that are difficult or impractical to chemically characterise and quantify; or
- (b) one or more substances, for which a wastewater limit value has not been specified, and which may be harmful or potentially harmful to human health, or to the water resource (identification of complex industrial wastewater will be provided by the Department upon written request);

"domestic wastewater" means wastewater arising from domestic and commercial activities and premises, and may contain sewage;

"evaporation pond" means a dam designed to collect and dispose of wastewater through evaporation, from which any concentrated waste or sludge must be removed and disposed of according to the requirements of any relevant laws and regulations;

"grey water" refers to wastewater generated through domestic activities and premises, including washing, bathing and food preparation, but does not contain sewage;

"monitoring programme" means a programme for taking regular measurements of the quantity and quality of a water resource, waste or wastewater discharge at specified intervals and at specific locations to determine the chemical, physical and biological nature of the water resource, waste or wastewater discharge;

"on-site disposal" refers to the disposal of wastewater on individual properties not permanently linked to a central waste collection, treatment and disposal systems, such as septic tank systems, conservancy tank systems, soakaway systems, french drains, pit latrines, some package plants and related activities;

"organic waste" means waste of non-anthropogenic origin that is readily biodegradable in the environment and does not contain any toxic substances that may accumulate in the environment

"primary treatment" means treatment of wastewater by a physical process, which may involve maceration, sedimentation, screening and grit removal;

"secondary treatment" means treatment of wastewater by a biological process, which amongst others may involve solar and other energy, bacteria, algae and a variety of aquatic biota, to remove organic matter;

"wastewater" means water containing waste, or water that has been in contact with waste material;

"wastewater pond system" means a dam or system of dams designed to collect wastewater and to conduct primary and secondary treatment, from which treated wastewater is disposed of.

3.7 Storage of domestic and biodegradable industrial wastewater for the purpose of re-use

A person who -

- (a) owns or lawfully occupies property registered in the Deeds Office as at the date of this notice;
- (b) lawfully occupies or uses land that is not registered or surveyed; or
- (c) lawfully has access to land on which the use of water takes place, may on that property or land outside the areas set out in Table 3.1
 - (i) store up to 5 000 cubic metres of domestic and biodegradable industrial wastewater for the purpose of re-use, if the storing of the wastewater -
 - (a) does not impact on a water resource or on any other person's water use, property or land; and
 - (b) is not detrimental to the health and safety of the public in the vicinity of the activity.

3.8 Storage of domestic and biodegradable industrial wastewater for the purpose of disposal

A person who -

- (a) owns or lawfully occupies property registered in the Deeds Office as at the date of this notice;
 - (b) lawfully occupies or uses land that is not registered or surveyed; or
 - (c) lawfully has access to land on which the use of water takes place,
may on that property or land outside the areas set out in Table 3.1 -
 - (i) store domestic and biodegradable industrial wastewater for the purpose of disposal of -
 - (a) up to 10 000 cubic metres per property or land; or
 - (b) up to 50 000 cubic metres in a wastewater pond system per property or land,
- if the storing of the wastewater -

- (b) does not impact on a water resource or on any other person's water use, property or land;
and
- (c) is not detrimental to the health and safety of the public in the vicinity of the activity.

3.9 Disposal of domestic and biodegradable industrial wastewater

A person who -

- (a) owns or lawfully occupies property registered in the Deeds Office as at the date of this notice;
- (b) lawfully occupies or uses land that is not registered or surveyed; or
- (c) lawfully has access to land on which the use of water takes place,

may on that property or land outside the areas set out in Table 3.1, dispose of -

- (i) up to 1 000 cubic metres of domestic and biodegradable industrial wastewater, on any given day -
 - (a) into a wastewater pond system; or
 - (b) into an evaporation pond system;
- (ii) domestic wastewater or biodegradable wastewater into a wastewater irrigation system as set out in general authorisation 1 in this Notice;
- (iii) wastewater to an on-site disposal facility -
 - (a) for grey water generated by a single household;
 - (b) up to one cubic metre of biodegradable industrial wastewater on any given day; or
 - (c) domestic wastewater to a communal conservancy tank serving no more than 50 households;
- (iv) domestic wastewater generated by a single household not permanently linked to a central waste collection, treatment and disposal system to an on-site disposal facility; and
- (v) stormwater runoff from any premises containing waste or wastewater from industrial activities and premises,

if the disposing of wastewater -

- (a) does not impact on a water resource or on any other person's water use, property or land; and
- (b) is not detrimental to the health and safety of the public in the vicinity of the activity.

3.10 Disposal of mine waste or residue

A person may dispose of mine residue into mine residue deposits provided that -

- (a) the mine residue is not from a Category A mine;
- (b) the disposal is in accordance with Government Notice No. 704 of 4 June 1999 as amended from time to time; and
- (c) the disposal is in accordance with SANS 10286: 1998, as amended from time to time.

3.11 Registration of wastewater storage

- (1) A person who stores wastewater in terms of this authorisation must submit a registration form for registration of the water use before commencement of storage if more than 1 000 cubic metres are stored for disposal or if more than 500 cubic metres are stored for re-use.
- (2) On written communication and or registration certificate from the responsible authority the person will be regarded as a registered water user.
- (3) All forms for registration of water use are obtainable from any office of the responsible authority as well as from the web-site at <http://www.dwa.gov.za>.

3.12 Registration of wastewater disposal

- (1) A person who disposes of wastewater in terms of this authorisation must submit a registration form for registration of the water use before the commencement of the disposal if more than 50 cubic metres of domestic wastewater or biodegradable industrial wastewater is disposed of on any given day.
- (2) The responsible local authority must submit a registration form obtained from the responsible authority, to register the water use for disposal of domestic wastewater in -
 - (a) areas where more than 5 000 households are served by on-site disposal sites;
 - (b) areas where the density of on-site disposal sites exceeds 10 per hectare; or

- (c) areas served by communal septic tanks.
- (3) On written communication and or registration certificate from the responsible authority, the person will be regarded as a water user.
- (4) All forms for registration of water use are obtainable from any office of the responsible authority as well as from the web-site at <http://www.dwa.gov.za>.

3.13 Location of wastewater storage dams and wastewater disposal sites

Wastewater storage dams and wastewater disposal sites must be located -

- (a) outside of a watercourse;
- (b) above the 1 in 100 year flood line or riparian habitat whichever is the greatest, or alternatively at least 100 metres from a water resource whichever is the greatest or at least further than a 500m radius from a borehole that is utilised for drinking water or stock watering; and
- (c) at least outside a 500m radius from the boundary of a wetland,
- (d) on land that is not, or does not, overlie, a major aquifer (identification of a major aquifer will be provided by the responsible authority upon written request).

3.14 Record-keeping and disclosure of information

- (1) The water user must ensure the establishment of monitoring programmes to monitor the quantity and quality of the wastewater prior to storage or disposal, as follows -
 - (a) for the storage of wastewater, the quantity must be recorded monthly; or
 - (b) for the disposal of wastewater, the quantity must be gauged or metered and recorded monthly.
- (2) Upon the written request from the responsible authority, the water user must -
 - (a) ensure the establishment of any additional monitoring programmes; and
 - (b) appoint a competent person to assess the water use measurements made in terms of this authorisation, and to submit the findings to the responsible authority for evaluation.
- (3) Monitoring of quality must be done once every month and results submitted to the responsible authority.

- (4) Subject to subparagraph 3.14(1), the water user must keep a written record of the following wastewater storage or wastewater disposal and related activities -
- (a) the location of the storage dam or wastewater disposal site;
 - (b) the quantity of wastewater stored or disposed of or re-used;
 - (c) the quality of wastewater stored or disposed of, where applicable;
 - (d) details of the monitoring programme;
 - (e) details of failures and malfunctions of any wastewater disposal system or wastewater storage dam that the registered user is responsible for, and such information must be made available upon written request to the responsible authority.

3.15 Methods for sampling and analysis

The following methods for sampling and analysis must be adhered to:

- (a) Samples of the water containing waste must be taken as prescribed in the Notice, and in accordance with the applicable South African National Standard (SANS) for sampling.
- (b) The methods for the measurement of specific substances and parameters in any waste or wastewater must be carried out by a -
 - (i) laboratory that has been accredited in accordance with SANS 17025:2005 by the South African National Accreditation System (SANAS) to conduct the analysis in accordance with the prescribed SANS method for each applicable variables; or
 - (ii) laboratory that participates in a recognised Proficiency Testing Scheme (Z-scores results should be presented);
 - (iii) laboratory that has proof of intra- and inter-laboratory proficiency (quality assurance as prescribed in Standard Methods).
- (c) Water users who can be able to demonstrate to the responsible authority that there is no accredited laboratory within their vicinity may use methods 1.12(b)(ii) and (iii) above.

3.16 Precautionary practices

- (1) The water user must follow acceptable design, construction, maintenance and operational practices to ensure the consistent, effective and safe performance of the wastewater discharge system, including the prevention of -
 - (a) nuisance conditions such as flies or mosquitoes, odour or secondary pollution;
 - (b) the contamination of run-off water or stormwater;
 - (c) contaminated stormwater entering into a water resource; and
 - (d) the unauthorised use of the wastewater by members of the public.
- (2) Suspended solids must be removed from any wastewater, and the resulting sludge disposed of according to the requirements of any relevant law or regulation.
- (3) All reasonable measures must be taken to prevent wastewater overflowing from any wastewater disposal system or wastewater storage dam.
- (4) All reasonable measures must be taken to provide for mechanical, electrical, or operational failures and malfunctions of any wastewater disposal system or wastewater storage dam.
- (5) Sewage sludge must be removed from any wastewater and the resulting sludge disposed of according to the requirements of any relevant law and regulation, including -
 - (a) Guidelines for the Utilisation and Disposal of Wastewater Sludge, Volumes 1-5, Water Research Commission Reports TT 261/06, 262/06, 349/09, 350/09, 351/09, as amended from time to time; and
 - (b) "Guide: Permissible utilisation and disposal of treated sewage effluent", 1978, Department of National Health and Population Development Report No. 11/2/5/3, as amended from time to time (obtainable from the Department upon written request).

3.17 Inspections

Any property or land in respect of which a water use has been authorised in terms of this general authorisation, such property or land must be made available for inspection by an authorised person in terms of section 125 of the Act.

3.18 Incidence reporting

Any information on the occurrence of any incident that has or is likely to have a detrimental impact on the water resource quality must be reported to the responsible authority within 24 hours.

3.20 Offences

A person who contravenes any provision of this general authorisation is guilty of an offence and is subject to the penalty set out in section 151(2) of the Act.

NOTE: Information regarding the drainage regions referred to in Table 3.1 can be obtained from the Responsible Authority upon written request.

TABLE 3.1: Subterranean government water control areas excluded from general authorisation for disposal of waste

Primary drainage region	Tertiary/Quaternary drainage region	Description of subterranean government water control are	Government Notice No.	Government Gazette Date
H	H30	Baden	136	1967-06-16
A	A30	Bo-Molopo	1324	1963-08-30
C	C30	Bo-Molopo	1993	1965-12-17
D	D41	Bo-Molopo	R634	1966-04-29
A	A24	Crocodile River Valley	208	1981-10-23
A	A21	Crocodile River Valley	18	1983-02-18
A	A21, A22	Kroondal-Marikana	180	1963-06-17
G	G10, G30	Lower Berg River Valley/Saldanha	185	1976-09-10
A,B	A60, B50, B31	Nyl River Valley	56	1971-03-26
G	G30	Strandfontein	2463	1988-12-09
M	M10, M20, M30	Uitenhage	260	1957-08-23
G	G30	Wadrif	992	1990-05-11
G	G20	Yzerfontein	27	1990-02-09
G	G30	Graafwater	1423	1990-06-29
A	A70	Dendron-Vivo	813	1994-04-29

A	A60	Dorpsrivier	312	1990-02-16
C	C24	Ventersdorp	777	1995-06-02

4. REMOVING, DISCHARGING OR DISPOSING OF WATER FOUND UNDERGROUND IF IT IS NECESSARY FOR THE EFFICIENT CONTINUATION OF AN ACTIVITY OR FOR THE SAFETY OF PEOPLE

[Section 21(j)]

4.1 Purpose of authorisation

This general authorisation replaces the need for a water user to apply for a licence in terms of the Act, provided that the water use is within the limits and conditions as set out in this general authorisation.

4.2 Exclusion

This authorisation does not apply to -

- (a) a person who is not the lawful occupier of the land or who does not have lawful access to the land on which the disposal takes place
- (b) Category A mine

4.3 Compliance with Act and other laws

(1) This authorisation does not -

- (a) replace any existing authorisation that is recognised under the Act;
- (b) exempt a person who uses water from compliance with any other provision of the Act unless stated otherwise in this notice, or any other applicable law, regulation, ordinance or by-law;

(2) A person who uses water in terms of this authorisation is exempted from compliance with section 22(2)(e) of the Act.

4.4 Area of applicability

This authorisation is applicable throughout the Republic of South Africa.

4.5 Duration of authorisation

Prepared by:

In partnership with:

This authorisation will be applicable for five years from the date of publication of this notice, unless -

- (a) it is amended by the responsible authority at any review period;
- (b) the period is extended by a notice in the *Gazette*;
- (c) it is replaced with a general authorisation in relation to a specific water resource or within a specific area; or
- (d) the water user is instructed in writing by the responsible authority to apply for a licence in terms of the Act.

4.6 Definitions

In this general authorisation, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in terms of the Act shall have that meaning, and -

"category A mine" means -

- (a) any gold or coal mine
- (b) any mine with an extractive metallurgical process, including heap leaching; or
- (c) any mine where sulphate producing or acid generating material occurs;

"monitoring programme" means a programme for taking regular measurements of the quantity and quality of a water resource, waste or wastewater discharge at specified intervals and at specific locations to determine the chemical, physical and biological nature of the water resource, waste or wastewater discharge;

"water found underground" means water that enters mine workings, basements, tunnels or other construction through seepage or runoff and does not refer to water found in an aquifer.

4.7 Removing water found underground

- (1) A person who -
 - (a) owns or lawfully occupies property registered at the Deeds Office as at the date of this notice;
 - (b) lawfully occupies or uses land that is not registered or surveyed; or

- (c) lawfully has access to land on which the use of water takes place, may remove up to 100 cubic metres of water found underground on any given day, if-
 - (i) the removing of water -
 - (a) does not impact on a water resource or on any other person's water use, property or land;
 - (b) is not detrimental to the health and safety of the public in the vicinity of the activity; and
 - (c) does not detrimentally impact the stability or health of the surrounding ecological functioning of any hydrologically linked water resources.
 - (ii) the removal of water is not harmful or potentially harmful to human health, or to any water resource.
- (2) The water found underground must be -
 - (a) discharged to -
 - (i) a water resource in terms of general authorisation in section 2 of this Notice;
 - (b) disposed of in terms of general authorisation in section 3 of this Notice;
 - (c) re-used in accordance with this general authorisation and the general authorisations for the water uses contemplated in section 21(e), (f), (g) and (h) of the Act.
- (3) This general authorisation authorises the removal of up to 50 cubic meters of water found underground on any given day, on condition that the removal of water -
 - (a) does not impact on a water resource or on any other person's water use, property or land;
 - (b) does not detrimentally impact the stability or health of the surrounding ecological functioning of any hydrologically linked water resources; and
 - (c) is not detrimental to the health and safety of the public in the vicinity of the activity.

Registration of removal of underground water

- (1) On receipt of a registration certificate from the responsible authority, the person will be regarded as a registered water user.

- (2) All forms for registration of water use are obtainable from any office of the responsible authority as well as from the web-site at <http://www.dwa.gov.za>.

4.8 Record-keeping and disclosure of information

- (1) The water user must ensure the establishment of monitoring programmes to monitor the quantity and the quality of water removed from underground, prior to commencement of removal and thereafter, in the following manner:
- (a) The quantity of water removed from underground must be metered and recorded on the last day of every month; and
 - (b) the quality of water removed from underground must be monitored monthly by taking a grab sample at the point at which the water is removed, which must be analysed by an accredited laboratory as specified in the general authorisations for the water uses contemplated in section 21 .(e), (f), (h) and (g), and results submitted to the responsible authority.
 - (c) upon written request from the responsible authority the registered user must ensure the establishment of any additional monitoring programme.
- (2) The water user must keep a written record for at least ten years of the following information, which must be made available upon written request to the responsible authority, regarding the removal of water found underground and related activities:
- (a) The location of the removal of water found underground must be demarcated on a suitable scale map, which must be updated;
 - (b) details of the monitoring programme including -
 - (i) the quantity of water removed underground as measured under subparagraph 4.8(1);
 - (ii) the results of the analysis of the quality of water removed from underground as obtained from the laboratory for the samples taken in accordance with paragraph 4.8(1)(b);
 - (c) details on the re-use, discharge and/or disposal of the water found underground;
 - (d) details of designs, precautionary practices and pollution prevention measures implemented; and
 - (e) details of failure and malfunctions in the underground water removal system, and details of the effects of (if any), as well as details of measures taken to prevent such failures and malfunctions in the future

- (3) Where it is deemed necessary, or upon the written request of the responsible authority, the registered water user must ensure the establishment of additional monitoring programmes for monitoring the water use.
- (4) Upon the written request of the responsible authority the registered water user must appoint an external auditor to assess the water use in terms of this general authorisation, and submit the findings to the responsible authority for evaluation.

4.9 Precautionary practices

- (1) The water user must follow acceptable design, construction, maintenance and operational practices to ensure the consistent, effective and safe performance of the underground water removal system, including the prevention of -
 - (a) ponding of water;
 - (b) waste, wastewater or contaminated stormwater entering into a water resource;
 - (c) the contamination of run-off water or stormwater;
 - (d) the unreasonable chemical or physical deterioration of, or any other damage to soil or water resources;
 - (e) overflows of the wastewater storage and disposal facility during excessive flood events; and
 - (f) the unauthorised use of the wastewater by members of the public.
- (2) Suspended solids must be removed from any wastewater, and the resulting sludge disposed of according to the requirements of any relevant law or regulation.
- (3) Reasonable measures must be taken to provide for mechanical, electrical, operational or process failures and malfunctions of the underground water removal system.
- (4) Upon the written request of the responsible authority the registered user must ensure the implementation of any additional construction, maintenance and operational practices that may be required in the opinion of the responsible authority to ensure the consistent, effective, safe and sustainable performance of the underground water removal system.
- (5) The discharged water must not detrimentally impact on the water quality of the receiving water resource.

4.10 Inspections

Any property or land in respect of which a water use has been authorised in terms of this general authorisation, such property or land must be made available for inspection by an authorised person in terms of section 125 of the Act.

4.11 Incidence reporting

Any information on the occurrence of any incident that has or is likely to have a detrimental impact on the water resource quality must be reported to the responsible authority within 24 hours.

4.12 Offences

A person who contravenes any provision of this general authorisation is guilty of an offence and is subject to the penalty set out in section 151(2) of the Act.